

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

TAMMY L. SCHUCK,

Defendant.

CASE NO. 8:12CR107

MEMORANDUM AND ORDER

The Court has received the Revised Presentence Investigation Report and Addendum (“PSR”) and the Defendant's Position Statement Re: Revised Presentence Investigation Report & Request for Oral Testimony (Filing No. 175). The government filed a Statement of Position Regarding the Revised Presentence Investigation Report (Filing No. 178) and Sentencing Memorandum (Filing No. 179). The Defendant has also filed a Motion for Downward Variance/Departure & Legal Memorandum in Support (Filing No. 176). See Amended Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The parties' statements and objections regarding the PSR (Filing Nos. 175 and 178) will be heard at the sentencing hearing;
2. The parties will be permitted to offer oral testimony at the sentencing hearing;
3. The Court intends to adopt the PSR in all other respects;
4. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

5. Absent submission of the information required by paragraph 4 of this Order, these tentative findings are final;

6. The Defendant's Motion for Downward Variance/Departure & Legal Memorandum in Support (Filing No. 176) will be heard at sentencing; and

7. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 6th day of December, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge